

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Filepp et al. Group Art Unit : 2757
Serial No. : 08/933,488 Examiner : Ellis B. Ramirez
Filed : September 18, 1997
For : INTERACTIVE COMPUTER NETWORK AND METHOD OF OPERATION

RESPONSE TO OCTOBER 6, 1998 OFFICE ACTION

ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

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Sir:

Reconsideration of the above-identified application and the rejections set forth in the Office Action dated October 6, 1998 in light of the following remarks is respectfully requested.

REMARKS

The present application was filed specifically to initiate an interference with a patent application which Applicants have reason to believe is pending in the name of Charles E. Hill. Claims 33-38 of the present application are the same as claims 66-71 of Hill's U.S. Application Serial No. 07/866,867, filed April 10, 1992. Hill's claims 66-71 were the subject of a restriction requirement by the Examiner in that application and have not yet issued in a patent. However, Applicants are informed that Hill's claims 66-71 are still pending in a divisional application.

1. The 35 U.S.C. §135(b) Rejection

Applicants' claims 33-38 were rejected under 35 U.S.C. §135(b) as not being made prior to one year from the date on which U.S. Patent No. 5,528,490 was granted.

Applicants have not asserted in their Request For Declaration Of An Interference Under 37 C.F.R. §1.604, filed September 18, 1997, that claims 33-38 were copied from U.S. Patent No. 5,528,490. This rejection should therefore be withdrawn.

2. **The "Distinct Inventions" Rejection**

The Examiner asserted that Applicants' claims 33-38 are not "directed to the same invention as that of U.S. Patent No. 5,761,649 because they are drawn to distinct inventions."

Applicants have not asserted in their Request For Interference that claims 33-38 were copied from U.S. Patent No. 5,761,649. In their Request For Interference, Applicants attempted to direct the Examiner to a divisional application of Charles E. Hill which is a descendant of Serial No. 07/866,867. The patent identified by the Examiner, however (U.S. Patent No. 5,761,649), is a continuation of Serial No. 07/866,867. The Hill application identified by the Examiner is thus not the application which is the focus of Applicants' Request For Interference. This rejection should therefore be withdrawn and an interference declared between the present application and the pending application of Charles E. Hill that contains claims substantially similar to Applicants' present claims 33-38 and claims 66-71 of Hill's application Serial No. 07/866,867.

Respectfully submitted,

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Dated: April 5, 1999

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